

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MEYNARD DESIGNS, INC. AND EARTH,
INC.

Plaintiffs and
Counterclaim-Defendants,

v.

EARTH PRODUCTS INC.

Defendant and
Counterclaim-Plaintiff.

EARTH PRODUCTS INC.

Third-Party Plaintiff and
Counterclaim-Defendant,

v.

PLANET, INC.

Third-Party Defendant and
Counterclaim-Plaintiff.

CIVIL ACTION NO. 05 cv 11781 NMG

NOTICE OF MANUAL FILING

Please take notice that pursuant to the Court's November 8, 2007 Order, Defendant Earth Products Inc. will be manually filing the following documents today:

- Defendant Earth Products Inc.'s Motion for Partial Summary Judgment that Plaintiff Meynard Designs, Inc. Abandoned the Trade Associated with the "Earth" and "Earth Shoe" Marks, and Memorandum in Support;
- Derrick W. Toddy Declaration in Support of Earth Products Inc.'s Motion for Partial Summary Judgment that Plaintiff Meynard Designs, Inc. Abandoned the Trade Associated with the "Earth" and "Earth Shoe" Marks;

- Concise Statement of Undisputed Material Facts in Support of Defendant Earth Products Inc.'s Motion for Summary Judgment Regarding Abandonment of the Trade Associated with the "Earth" And "Earth Shoe" Marks; and
- Exhibits 1, 4, 12-13, 16, 18, 20-27, 29-34, 51-80, 82, 84-97, and 99-101 to the Toddy Declaration.

These documents were not filed electronically because they have been filed under seal.

These documents have been served on all parties.

EXECUTED this 9th day of November, 2007, in Portland, Oregon.

Respectfully submitted,

By: /s/ Derrick W. Toddy
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Notice of Manual Filing was served by filing through the Court's ECF system and by e-mail on counsel for Plaintiffs:

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*Attorneys for Meynard Designs, Inc,
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Dated: November 9, 2007

By: /s/ Derrick W. Toddy
Derrick W. Toddy (*pro hac vice*)